

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No.

RAYMOND SCOTT,

Plaintiff,

vs.

MACY'S EAST, INC., KENNETH
SANABRIA, KIMBERLY JONES, JOHN
OULLETTE, RUSSELL JENKINS, and the
TOWN OF BRAINTREE,

Defendants.

01 10323 NG

RECEIPT # 28977
AMOUNT \$ 50.00
SUMMONS ISS. NO
LOCAL RULE 41 ---
WAIVER OF SERV. ---
MCF ISSUED ---
AO 120 OR 121 ---
BY DPTY CLK SS
DATE 2-21-01

NOTICE OF REMOVAL

TO: The Honorable Judges
of The United States District Court,
District of Massachusetts

Macy's East, Inc., Kenneth Sanabria, Kimberly Jones, John Oullette, Russell Jenkins, and
the Town of Braintree, defendants in the above-captioned action (collectively, "Defendants"),
state:

1. Defendants desire to exercise their rights under the provisions of 28 U.S.C. §
1441, *et seq.*, to remove this action from the Suffolk County Superior Court, Boston,
Massachusetts, in which said case is now pending under the name and style *Raymond Scott v.*
Macy's East, Inc., et al., Civil Action No. 01-0375E. Defendants received a Summons and a
copy of a Complaint in this action on or about January 26, 2001. A copy of the Summons and

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Complaint are attached hereto as Exhibit A.

2. In the above-described action, the plaintiff asserts claims, *inter alia*, that Defendants have violated 42 U.S.C. §§ 1981, 1982, 1983, and 2000a. Because the plaintiff has asserted claims under federal statutes, this action is one over which this Court has original federal question jurisdiction under the provisions of 28 U.S.C. § 1331.

3. Defendants are filing this notice within thirty (30) days of receipt of the initial pleading setting forth the claim for relief upon which the action is based.

WHEREFORE Defendants, Macy's East, Inc., Kenneth Sanabria, Kimberly Jones, John Oullette, Russell Jenkins, and the Town of Braintree, respectfully request that the action pending against them in the Suffolk County Superior Court be removed therefrom to this Court.

Respectfully submitted,

Macy's East, Inc., Kenneth Sanabria, and
Kimberly Jones,

By their attorneys,

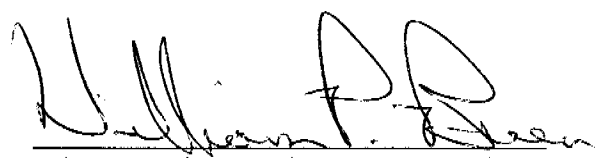

Robert P. Joy, Esq. (BBO # 254820)
Joseph P. McConnell, Esq. (BBO # 566412)
Maura D. McLaughlin, Esq. (BBO #634923)
MORGAN, BROWN & JOY, LLP
One Boston Place
Boston, Massachusetts 02108
(617) 523-6666

Dated: February 21, 2001

Respectfully submitted,

John Oullette, Russell Jenkins, and
the Town of Braintree,

By their attorneys,


John J. Davis, Esq. (BBO # 115890)
William P. Breen, Jr., Esq. (BBO # 558768)
PIERCE, DAVIS & PERRITANO, LLP
Ten Winthrop Square
Boston, Massachusetts 02110
(617) 350-0950

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and accurate copy of the foregoing upon John G. Swomley, Esq., counsel for the plaintiff, Swomley & Associates, 83 Atlantic Avenue, Boston, Massachusetts, 02110, via first class mail, postage prepaid.


Maura D. McLaughlin, Esq.

Dated: February 21, 2001

Commonwealth of Massachusetts

SUFFOLK, ss.



SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION

01-0375 E

No. _____

Raymond Scott, Plaintiff(s)

v.

Macy's East, Inc., Kenneth Sanabria, Defendant(s)
Kimberly Jones, John Oullette, Russell Jenkins,
and the town of Braintree
SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon John G. Swomley

plaintiff's attorney, whose address is 83 Atlantic Ave., Boston, MA 02110, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DeVecchio, Esquire, at Boston, the twenty-fifth day of
January, in the year of our Lord two thousand one.

Michael Joseph Donovan

Clerk/Magistrate

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED
(1) TORT -- (2) MOTOR VEHICLE TORT -- (3) CONTRACT -- (4) EQUITABLE RELIEF -- (5) OTHER